

1	BEFORE THE ARIZONA CORPORATION COMMISSION
2	CARL J. KUNASEK DOCKETED
3	Chairman JIM IRVIN Commissioner DEC 1 4 1999
4	WILLIAM A. MUNDELL DOCKETED BY
5	Commissioner
	IN THE MATTER OF THE APPLICATION) DOCKET NOS. T-01051B-99-0550 OF U S WEST COMMUNICATIONS, INC.,) T-03693A-99-0550
7	FOR APPROVAL OF THE AGREEMENT)
8	FOR LOCAL WIRELINE NETWORK) DECISION NO. 62/37 INTERCONNECTION AND SERVICE)
	RESALE WITH PAC-WEST TELECOMM, ORDER INC.
10	Open Meeting December 7 and 8, 1999
11	Phoenix, Arizona
12	BY THE COMMISSION:
13	FINDINGS OF FACT
14	1. On September 30, 1999, U S WEST Communications, Inc., (U S WEST) filed an
15	application for approval of an agreement for interconnection and resale Agreement between
16	U S WEST and Pac-West Telecomm, Inc. (Pac-West).
17	2. The term of the Agreement starts at the date of Commission approval and continues until
18	July 30, 2000. The Agreement will remain in effect after this time until a new agreement becomes
19	effective between U S WEST and Pac-West. U S WEST and Pac-West agree to commence
20	negotiations on a new agreement no later than one year prior to the expiration of the current
21	Agreement.
22	3. The Agreement governs the terms and conditions for local interconnection, resale,
23	collocation, and the purchase of unbundled network elements.
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- 4. The Telecommunications Act of 1996 (1996 Act) directed incumbent local exchange 2 carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provided for interconnection and resale agreements to be concluded by voluntary agreement. The Agreement between Pac-West and U S WEST is essentially the same 5 as the interconnection agreement between U S WEST and AT&T Communications of the Mountain States, Inc., approved by the Commission on July 31, 1997.
 - 5. The Agreement between Pac-West and U S WEST was voluntarily negotiated, without resort to arbitration.
- 6. Under terms of the Agreement, U S WEST will make certain local exchange services 10 available to Pac-West under the terms and conditions of the agreement.
 - 7. Generally, U S WEST residential services will be made available to Pac-West for resale at a 12 percent discount. Business services will be available at an 18 percent discount.
- 8. According to the 1996 Act and State Rule, the Commission must approve voluntarily 14 negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in 15 the public interest. U S WEST has asserted that the provisions of the U S WEST/Pac-West 16 agreement are non-discriminatory and in the public interest. Staff has reviewed the Agreement and 17 finds it to be non-discriminatory and in the public interest.
- 9. Therefore, since there are no grounds for rejection of the Agreement pursuant to Section 19 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the 20 interconnection Agreement between U S WEST and Pac-West.

CONCLUSIONS OF LAW

- 1. U S WEST is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.
- 2. The Commission has jurisdiction over Pac-West and U S WEST and over the subject 25 matter of the application.

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3. The Commission, having reviewed the application and Staff's Memorandum, has determined that the interconnection Agreement negotiated between U S WEST and Pac-West meets the requirements section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-negotiated agreements and is in the public interest.

4. The Commission maintains jurisdiction over the subject matter of the Agreement and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated thereunder

ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the interconnection agreement as filed by the parties on September 30, 1999.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

OMMISSIONER

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	IN WITNESS WHEREOF, I BRIAN C. McNEIL,
	Acting Executive Secretary of the Arizona Corporation
	Commission, have hereunto, set my hand and caused the

official seal of this Commission to be affixed at the

COMMISSIONER

Capitol, in the City of Phoenix, this 14

BRIAN C. McNEIL Executive Secretary

DISSENT:

DRS:MJR:sjs\MAS

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